

SHAMBERG MARWELL DAVIS & HOLLIS, P.C.

ATTORNEYS AT LAW

55 SMITH AVENUE
MOUNT KISCO, N.Y. 10549
(914) 666-5600
FAX: (914) 666-6267

March 26, 2008

Via Facsimile

Hon. Stephen C. Robinson, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street, Room 633
White Plains, New York 10601

MEMO ENDORSED

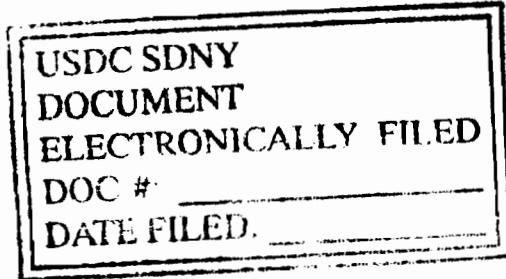
Re: *Drake Manor, Inc. v. Angela DiPilato*
Case No.: 07 Civ. 10957 (SCR)
Assigned Judge: Hon. Stephen C. Robinson

Dear Judge Robinson:

Please be advised that we acknowledge receipt by regular mail of Respondent's Opposition to Petitioner's Motion to Remand to State Court for Lack of Subject Matter Jurisdiction which was filed with the Court on March 21, 2008, the scheduled and ordered return date. We respectfully submit our objection to Respondent's Opposition and request that this Court strike these documents for the following reasons set forth below.

Respondent's Opposition was not timely pursuant to the parties agreed upon schedule set forth in the letter dated January 15, 2008, which was so ordered by this Court on March 11, 2007, and required that Respondent's Opposition be served and filed by February 28, 2008. Respondent failed to request any extension of time as required by F.R.C.P. 6(b) either before the expiration of the original time, for good cause, or after the expiration of time, for excusable neglect.

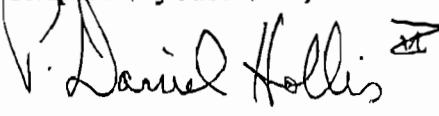
Furthermore, Respondent's Opposition was not electronically filed on the ECF system as required by the SDNY Procedures and Guidelines for electronic filing and the Local Rules of the United States District Courts for the Southern District. This matter is also not one of the exceptions which allows for paper filing.



SHAMBERG MARWELL DAVIS & HOLLIS, P.C.

Hon. Stephen C. Robinson, U.S.D.J.
March 26, 2008
Page 2

Alternatively, if this Court deems Respondent's Opposition timely submitted, we would request an enlargement of time until April 18, 2008 to submit Petitioner's Reply.

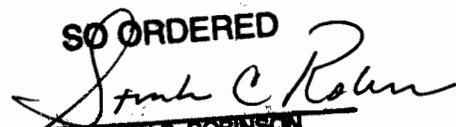
Respectfully submitted,

P. Daniel Hollis III

PDH:jec

c: Ralph J. Elefante, Esq. (via facsimile and first-class mail)
Morton Kaner, Esq. (via facsimile)
Mr. Erich Hoffmann (via facsimile)

V:\WPDOCS\07514\001\Letters\Robinson 04.wpd

This Court deems Respondent's Opposition timely submitted. ~~as~~ Petitioner has until May 5, 2008 to submit its reply

SO ORDERED

STEPHEN C. ROBINSON
UNITED STATES DISTRICT JUDGE
4/17/08